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Convention on the Rights of the Child

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Consideration of reports of States parties

List of issues in relation to the combined second and third periodic reports of Saint Vincent and the Grenadines

Addendum

Replies of Saint Vincent and the Grenadines to the list of issues*

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* The present document is being issued without formal editing.

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Part I

National Policy and plan of action on the implementation of the Convention

1. In 2015, St. Vincent and the Grenadines began the discourse of a National Policy Framework for Child Protection aimed at increasing the implementing capacity of the CRC, to be implemented by the Ministry of National Mobilisation, Social Development and Youth with responsibility for child protection matters.

2. In 2016, after numerous multi-level consultations and public education campaigns endorsed by the Government and supported financially in partnership with UNICEF, the developed National Policy Framework for Child Protection was approved at Cabinet and launched to national stakeholders and the public in April 2016.

3. This approved Policy has since become the justification for the establishment of a **Child Development Division** aimed at **improving access to programmes that promote psych-social development of children** in child abuse and conflict environments. The **Child Development Division** operates within ten (10) areas of **specialization**:

1. Administration & Management.
2. Case Management.
3. Child Protection Unit (including Adoption Desk).
4. Diversion Unit.
5. In-Transit Care Centre.
6. Rehabilitation Centre.
7. Behaviour Modification.
8. Remedial/Academic & Technical Vocational Support.
9. Child Abuse & Rehabilitation Counseling.
10. Parenting Education & Support.

4. The SVG National Child Protection Policy Framework (2015-2020) is a macro-based Legal and Social Protection Strategy aimed at strengthening national protection systems, supporting social change, promoting child protection in conflict and natural disasters, building evidence and knowledge management and convening as well as catalyzing agents of change.

5. **This Policy Framework** is charged with responding to child protection issues through the adoption and implementation of the following tools and components:

A. Policy Beliefs

(a) Recognition of children's best interests;

(b) Protection against any form of harm, exploitation or abuse;

(c) Coordinated response to child protection;

(d) Early intervention and prevention.

B. Policy Guiding Principles

(a) Best Interests;

(b) Mainstreaming;

(c) Well-being;

(d) Participation;

(e) Inclusion;

(f) Accessibility;

(g) Protection;

(h) Families;

(i) Accountability;

(j) Sustainability.

C. Policy Recommendations

(a) Advocacy, Communication and Social Mobilization;

(b) Family risk and vulnerabilities identification;

(c) Therapy, counselling and rehabilitation;

(d) Universal Education;

(e) Creativity;

(f) A Criminal Justice System protective of Children;

(g) A Child-friendly Law Enforcement System;

(h) Child-friendly Courts and Child Attorneys;

(i) Child/Juvenile Justice;

(j) Child Offenders Registry;

(k) Alternative Care Models including Adoption, Kinship and Foster care;

(l) Protective Care-providing Institutions;

(m) Child protection in disaster and emergency situations;

(n) Monitoring and Reporting Systems;

(o) Coordinated response to Child protection;

(p) Training and Education on Child Protection.

D. Strategic Interventions

(a) Strengthen National Protection Systems;

(b) Support Social Change;

(c) Promote Child protection in conflict and natural disasters

(d) Evidence-building and knowledge management;

(e) Convene and catalyze agents of change.

E. Goals

(a) Government's commitment to fulfilling protection rights;

(b) Legislation and Enforcement;

(c) Attitudes, Traditions, Customs, Behaviour and Practices;

(d) Basic and Targeted Services;

(e) Monitoring and Oversight;

(f) Engagement of Media and Civil Society;

(g) Children's life-skills, knowledge and participation;

(h) Capacity of those in contact with the child.

F. Procedures, Reporting Protocols and Standards

(a) Care and Adoption Regulations;

(b) Child Care Procedures;

(c) Mandatory Reporting Procedures;

(d) Minimum Standards for Children in Care;

(e) Training of Duty Bearers Guide;

(f) Child Justice and Diversion Procedures (Draft);

(g) Risk Assessment and Mental health Screening Procedures (Draft);

(h) Operations Manual for Rehabilitation centres (Draft).

Budgetary allocations for the implementation of the rights of the child

6. The Government of St. Vincent and the Grenadines in the 2015 cycle approved a Performance Budgeting Structure that has since disaggregated budgetary allocations for Child Development and Protection. The proposed budgetary allocation for Child Protection Services for 2017 is approximately $1.348 million EC.

Private Sector Regulations to protect children

7. The Employment of Young Persons Act strictly prohibits employment of children under the age of fourteen (14).

Elimination of the criminalization of homosexual conduct

8. The Legislation that criminalizes buggery is still enshrined within the Constitution and efforts to date have not shifted towards its decriminalization.

Legal Reform on Corporal Punishment in all Settings

9. The Education Act states that Corporal Punishment is not to be administered at educational institutions except it is administered by the Principal or Head Teacher. Corporal Punishment is still allowed within residential spaces and the existing Juvenile Act allows for flogging. However, the pending Child Justice Bill, fashioned after the Model OECS

Family Laws, seeks to offer a paradigm shift for child offenders with the use of restorative practices and diversion programmes. The programmes were piloted between the period 2014-2016 and will be implemented in 2017 in collaboration with the new Rehabilitation Centre for children in conflict.

Child Abuse Awareness Programmes

10. Awareness Campaigns between the period 2010-2014 were executed during the Awareness and Prevention Month of Activities in April annually, where national whistle stops/road shows were utilized and national conferences and one-day parenting awareness workshops. From 2015 to present a programme cycle of comprehensive awareness programmes were developed in collaboration with UNICEF to aid in the effective implementation of the National policy framework. In 2017, the programme cyclical approach has been adopted in the recurrent budget to ensure sustainability in providing awareness in the protection of children to approximately two thousand (2000) students and twelve (12) communities to a minimum of six hundred (600) residents per annum. Additionally in 2016, a training of duty bearers programme was launched to equip institutions with the necessary tools to protect children in the face of potential child abuse.

11. Child Abuse Identification Surveys were used in communities as a pre and post-test mechanism and prerequisite tool to re-designing programmes for children, by children and their communities.

Measures due to Migration of Parents

12. The Family Services Division provides social safety nets for families. This service is generally extended to situations where children are left with grandparents or other biological/non-biological persons to assist in their care. This was the precedence set between the period 2010-2015. In 2016, due to the reform of the national machinery that provides safety nets for families, Child Development Services with the jurisdiction to protect children are charged with the responsibility to determine through investigation upon reporting, that the child is in an unsafe environment in order to proceed with alternative arrangements and therapeutic support as well as financial support if needed is provided for the child.

Teenage Pregnancy Reduction Measures & Health and Family Life Education

13. The Ministry of Health and its affiliate Planned Parenthood Association are directly involved in providing reduction measures in the form of advocacy and sexual reproductive health initiatives. Abortion is considered illegal in the country and is not offered as a reduction measure. Health and Family life Education is offered at all schools at the primary and secondary level of education where topics of sexual reproductive health, hygiene, chi'd abuse, domestic violence and other social and life skills such as conflict resolution and anger management are taught. External facilitators are often outsourced depending on the topic area to facilitate the discussion.

Inclusive Education for Children With Disabilities

14. Inclusive Education to date is not mainstreamed within the education sector but measures have been taken for integration of students identified as children with disabilities

that have the capacity to pursue a formal education, to be incorporated in the generic education system. This is first facilitated through screening tests as early as the Grade K level and where screening reveals the need for special care, the child is referred to the Special Needs Schools nationally.

Street Children Causes, Protection and Prevention Measures

15. In 2008 Street Children Survey was conducted by the Ministry of National Mobilisation with responsibility for the protection of children nationally to determine the definition, causes and identify the children in an effort to provide support and ultimately reduce the number of street children nationally. In the St. Vincent and the Grenadines' context, street children were defined as children who spent most of their time on the street rather than children who permanently reside on streets that have no place of abode.

16. The study found a total of thirty-two (32) children who either fit some aspect of the definition of street children or whose existing circumstances deemed them relevant to the study. Boys outnumbered girls in the sample, 78% to 22%. This was unsurprising as worldwide figures indicate a significantly higher number of street boys than girls. Ages ranged from as young as six (6) years to seventeen (17) years. The mean age however was 12.3 years with a total of nineteen (19) children in the older 12-18 age group and thirteen (13) in the 6-11 category.

17. A total of sixteen (17) children (53%) indicated that they use the street as a source of livelihood. They engage in an array of errands/odd jobs including pushing carts, washing cars, loading — and offloading vehicles — (boats and trucks), construction related activities and begging passers by. The study revealed these methods to be most profitable with some children being able to earn from a few coins/dollars per errand to $40 per day as a cart operator. All but one of these children were male, and the majority (11) were from the 12-17 age group. However this was not reserved to older boys, as boys as young as seven (7) engaged in these activities.

18. The children identified in the study of 2008 were provided financial support to return to school. Through the Pastoral Programme that developed as a recommendation of the survey and partnerships with the educational institutions were formed where schools report the absence of children and support through Family Services were provided to reduce the recurrence of street children. This occurred from the period 2010-2014. With the Reform of Family Services to allow for the establishment of a Child Development Division with jurisdiction for children in need of protection and the establishment of Truancy officers within the Ministry of Education, from 2015 to present, a coordinated approach towards the reporting of children not attending school is ever present. Support social safety net subsidies are provided for children to attend school and therapeutic interventions are provided for families and children and the proclaimed Child Care and Adoption Act provides for the protection of children where neglect is identified and alternative courses of action can be explored for the ultimate protection of the child. To date, parenting programmes, therapeutic interventions, rehabilitation and reintegration programmes as well as advocacy measures are explored for children in such circumstances.

Child Victims of trafficking Identification Measures

19. Post 2015, with the new Anti-Trafficking in persons legislation and the Child Care and Adopt Act enforced, all children identified as potential victims are referred to the Child Protection Unit where an investigation commences in collaboration with the Police and the procedures and regulations established for those Legislations are implemented and the

potential child upon confirmation is provided protection by the state or biological relatives until further interventions are pursued upon assessment.

Minimum Age For Criminal Responsibility Measures

20. The Proclamation of the Child Care and Adoption Act and the Status of Children Act as well as the proposed Child Justice Bill created the discussion for the need to harmonize all laws that contradict the convention or the new family laws. Subsequently the prospect for increasing the minimum age to internationally acceptable levels is being pursued.

Part II

New Legislations/Bills

21. **The Domestic Violence Act** was passed in May 2015 and proclaimed on November 16, 2016. The Domestic Violence Act of 2015 is a legislation recognized within the Criminal Code and punishable by imprisonment. The legislation provides for added protection through an interim Protection Order which is valid for twenty-eight (28) days and a Permanent Protection Order to further protect the survivor once the investigation during the interim protection order period validates the need for permanency of protection against the respondent.

22. The Legislation defines domestic violence to not only be limited to spousal abuse within the home but a complainant can be any child or adult and is quite extensive to include stalking, intimidation and the environments outside of the home as well as the relationship is not confined to married parties only.

23. This Legislation provides punishment provisions for Child abuse that is defined in the Child Care and Adoption Act of 2011. It therefore identifies any act of child abuse as a criminal act and is recognized as a form of domestic violence.

24. The Legislation particularly addresses intimidation on all fronts- intimidation by the respondent, police, the national authority conducting the investigation and any third party that influences the investigation to prevent the complainant from testifying in the matter.

25. The **Status of Children Act of 2010** defines a child as any individual between the ages of (0-18). It additionally acknowledges the rights of illegitimate children to be equal to that of legitimate children. It also recognizes the right to request DNA testing to determine parental rights and responsibilities of children.

26. The **Child Care and Adoption Act of 2011** defines the parameters of child abuse as is outlined within the UN Convention on the rights of the child. The provisions within this legislation focus primarily on Mandatory Reporting Procedures for Duty Bearers of children in potentially abusive environments. Duty Bearers are defined clearly in the legislation and negligence or failure to report according to the Protocol to the necessary national authority, alludes to engaging in a criminal act and such personnel can be charged and fined or imprisoned accordingly. This Legislation was founded upon the Convention of the Rights of the Child as well as the OECS Model Family Bills.

27. The Legislation also features the provisions for Adoption which can allow for, but is not limited to, direct adoption post child abuse identification or post foster care placement.

28. Punishment provisions for Perpetrators of child abuse are identified within the Domestic Violence Legislation and executed within the Criminal Code.

29. **Elements of the CRC into the new Legislations:**

(a) Article 1 — the child is defined in the same manner;

(b) Article 2 & 23 — the child is not discriminated in any form;

(c) Article 3, 8, 18, 26, 28 & 40 — all services are provided for the child as top priority and the best interest is considered;

(d) Article 19, 25 & 34 — A child can be protected from abuse with all the necessary systems installed for investigation and assessment;

(e) Article 20: In-Transit Care Centres and Alternative Foster Care Homes and Residential Institutions are provided for children in need of protection and alternative environments;

(f) Article 21 — The system of Adoption is authorized.

National Mechanism for Reporting and Follow-up

30. A National Child Rights Committee is established to provide oversight and guidance to the National Authority which is the Child Protection Unit and reporting of child abuse data is collected by the Authority who collaborates with the Royal Police Force on investigations.

31. The Cabinet in November 2016 approved the reformation of the Committee to be transformed into a regulatory commission to provide implementation and regulatory oversight. The Commission now has sub-committees established to have implementation capacity on legal, institutional, Interventions Management and Social Change matters with representation from all state and non-state stakeholders.

32. The Management committee has responsibility for national oversight on selection and recruitment of Foster Parents, Output and Outcome effects of interventions for children in care and rehabilitation, and external or independent reporting and monitoring of cases.

33. The Juvenile Justice Reform (2012-2015) was formulated through in-depth national and community consultations and subsequently, a systemic approach has been developed to monitor yet protect the welfare of juvenile offenders nationally. The Legislation and Policy Framework for Child Justice which seeks to ensure the maximization of this approach will be tabled for Parliament soon through the Child Justice Bill, which seeks to provide ample diversion and detention modalities using restorative practices. This systemic approach includes a National Diversion Programme that seeks to ensure youth development, skills and academi advancement, parenting support, therapeutic interventions and rehabilitation, while also ensuring effective re-integration. This Programme executed a pilot on April 26, 2016 and will be launched in February 2017. Additionally a Secure Treatment Facility for juveniles in need of detention that focuses on the usage of restorative practices will commence its operations in a similar timeframe.

New Institutions

34 **The Child Development Division** was established in 2015 and implemented in 2016. The following represents a summary outline of the services provided:

1. Liberty Lodge Crisis & Rehabilitation Centre.
2. Child Abuse & Rehabilitation Counselling (new).
3. Diversion (new).

4. Child Protection.
5. Child Maintenance.
6. Foster & Kinship Care.
7. Adoption (new).
8. Awareness Campaigns.
9. Truant Students Rehabilitation.
10. Children Against Poverty (CAP).

35. The Division will now operate within ten (10) areas of specialization:

1. Administration & Management.
2. Case Management.
3. Child Protection Unit (including Adoption Desk).
4. Diversion Unit.
5. In-Transit Care Centre.
6. Rehabilitation Centre.
7. Behaviour Modification.
8. Remedial/Academic & Technical Vocational Support.
9. Child Abuse & Rehabilitation Counseling.
10. Parenting Education & Support.

36. These areas allow for the following Processes to occur in Child Development matters:

1. Reporting.
2. Intake.
3. Investigation & Assessment.
4. Alternative Care & Rehabilitation — Treatment.
5. Re-integration/Adoption.

New Programmes, policies and scope of financing

37. The Child Protection Policy Framework referred to in paragraphs (1-5) was financed in 2015 by UNICEF in the sum of $25,000US and the per annum budgetary allocation of the Child Protection Division where all programmes/ areas of specialization referred to in paragraph 35 is approximately $1.348 million EC.